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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

WESTERN DIGITAL CORP.
20511 LAKE FOREST DRIVE
C205 - INTELLECTUAL PROPERTY DEPARTMENT
LAKE FOREST CA 92630

In re Application of
BOYLE, WILLIAM B.
Application No. 09/747,002
Filed: December 22, 2000
For: **METHOD AND APPARATUS FOR
STORING A STREAM OF VIDEO
DATA ON A STORAGE MEDIUM**

**DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT**

This is a decision on the petition filed July 12, 2005 to withdraw holding of abandonment pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.


The application was abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed July 14, 2004. A Notice of Abandonment was mailed on April 20, 2005.

Petitioner asserts that a proper response was timely filed on January 10, 2005. In support of the petition, Petitioner has submitted, a copy of Applicant's reply and a date-stamped post card receipt evidencing receipt of the response within the United States Patent & Trademark Office on January 10, 2005. The post card receipt indicates that a petition for three months extension of time was also filed. The fee (\$1020.00) has been credited to the application file.

The original correspondence filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for entering the copy of the response submitted with the petition. A review of the PTO's Revenue and Accounting Management (RAM) system finds that the fees for the three month extension of time have already been processed. Once the necessary amendment entry is completed, the file will be forwarded to the examiner for further examination in due course.


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Communications